

House of Representatives, April 7, 1998. The Committee on Judiciary reported through REP. LAWLOR, 99th DIST., Chairman of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING BODY ARMOR.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (a) A person is guilty of
2 unlawful use of body armor when he commits any
3 felony involving the use or threatened use of
4 physical force against another person and, in the
5 commission of such offense, he knowingly wears
6 body armor and is armed with a firearm or other
7 deadly weapon, as defined in section 53a-3 of the
8 general statutes.

9 (b) As used in this section, "body armor"
10 means any material designed to be worn on the body
11 and to provide bullet penetration resistance.

12 (c) Unlawful use of body armor is a class A
13 misdemeanor.

14 Sec. 2. (NEW) (a) No person, firm or
15 corporation shall sell or deliver body armor to
16 another person unless the transferee meets in
17 person with the transferor to accomplish the sale
18 or delivery.

19 (b) The provisions of subsection (a) of this
20 section shall not apply to the sale or delivery of
21 body armor to a sworn member of an organized local
22 police department or the Division of State Police
23 within the Department of Public Safety.

24 (c) As used in this section, "body armor"
25 means any material designed to be worn on the body
26 and to provide bullet penetration resistance.

27 (d) Any person, firm or corporation that
28 violates the provisions of this section shall be
29 guilty of a class B misdemeanor.

30 JUD COMMITTEE VOTE: YEA 39 NAY 0 JF

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"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF MEMBERS OF THE GENERAL ASSEMBLY, SOLELY FOR PURPOSES OF INFORMATION, SUMMARIZATION AND EXPLANATION AND DO NOT REPRESENT THE INTENT OF THE GENERAL ASSEMBLY OR EITHER HOUSE THEREOF FOR ANY PURPOSE."

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FISCAL IMPACT STATEMENT - BILL NUMBER HB 5750

STATE IMPACT Potential Cost, see explanation below

MUNICIPAL IMPACT None

STATE AGENCY(S) Criminal Justice Agencies

EXPLANATION OF ESTIMATES:

The bill's provisions concerning criminal penalties related to the use or sale of body armor in certain cases would result in increased pressures on the criminal justice system. Over the long term, these pressures would lead to a need for increased criminal justice resources, especially for incarceration and community supervision. Although direct cost quantification is problematic, it should be noted that SHB 5021 (the revised Appropriations Act for FY 1998-99 as favorably reported by Appropriations) includes \$5.4 million to address overcrowding in the state's prisons and jails. In addition, the Public Defender Services Commission is currently under suit by the American Civil Liberties Union relating to the adequacy of funding for public defenders. Increases in criminal penalties will at some point require additional funds for criminal justice agencies in order to maintain adequate enforcement of other criminal laws.

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OLR BILL ANALYSIS

HB 5750

AN ACT CONCERNING BODY ARMOR

SUMMARY: This bill makes it a crime to either use body armor while committing a felony under certain circumstances or sell body armor without meeting the purchaser in person. The bill defines "body armor" as material designed to be worn on the body to provide bullet penetration resistance.

EFFECTIVE DATE: October 1, 1998

FURTHER EXPLANATION**Use of Body Armor While Committing Felony**

The bill makes it a class A misdemeanor to use body armor while committing a felony (1) involving the use or threatened use of physical force and (2) armed with a firearm or deadly weapon. A firearm is a sawed-off shotgun, machine gun, rifle, shotgun, pistol, revolver, or other weapon, loaded or unloaded, from which a shot may be fired. A deadly weapon is a firearm, switchblade knife, gravity knife, billy, blackjack, bludgeon, or metal knuckles.

A class A misdemeanor is punishable by a fine of up to \$2,000, imprisonment for up to one year, or both.

Illegal Sale of Body Armor

The bill makes it a class B misdemeanor to sell or deliver body armor to someone unless the sale or delivery is accomplished in person. The bill exempts sales or deliveries to sworn members of local police departments and the State Police.

The penalty for a class B misdemeanor is a fine of up to \$1,000, imprisonment for up to six months, or both.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Report

Yea 39 Nay 0